

**BARBERING & COSMETOLOGY EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
APRIL 5, 1999**

PRESENT: John Fahey, Barbara Flaherty, Leon Lauer, Marville Martin,
Bruce Bennett, Lorraine Norem.

Dr. Toni Ann Palermo arrived at 9:55 a.m.

EXCUSED: Joyce Haugestuen, Danny Trotter

STAFF PRESENT: Deputy Secretary June Suhling, Alfred Hall, Jr., John
Schweitzer, Jan Neitzel, Darwin Tichenor; Members of Division
of Enforcement Staff were present for portions of the meeting.

GUESTS: Mary Bousman, Foxies
John Bousman, National Cosmetology Assoc.
Kay Brunette, Kay's Salon-Neenah
Don Sapam, Shram & Co.
Barb McCormick, SWTC
Marvin L. Rushing, Vici Capilli
Jan Studesville, Just Nails
Brenda Gavinski, Capri College
Joan Kornitz, NCA IPP
Kathy Schauer, WCTC/NCA
Andi Burns, SCBC-Wausau

CALL TO ORDER

The meeting was called to order at 9:40 a.m. by John Fahey, Chair, upon confirmation that the public notice was timely given. A quorum of seven members was present.

AGENDA

MOTION: Leon Lauer moved, seconded by Barbara Flaherty,
to approve the agenda as published. Motion carried
unanimously.

MOTION: Bruce Bennett moved, seconded by Marville Martin, to approve
the addendum to the April 5, 1999, Agenda.
Motion carried unanimously.

MINUTES (12/14/98, 2/1/99, 3/8/99)

MOTION: Lorraine Norem moved, seconded by Marville Martin, to
approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Deputy Secretary's Report

Deputy Secretary June Suhling discussed the upcoming National Association of Cosmetology and Barbers Forum to be held in Nashville TN on April 28-29, 1999.

Bureau Director's Report

Institutional Participation and Oversight Service (IPOS)

The Board discussed the Institutional Participation and Oversight Service.

Regulatory Digest

The next issue of the Regulatory Digest will be available approximately mid May.

Pass Folder

Information was circulated in the To Pass Folder and duly noted.

LEGISLATIVE UPDATE

Proposed Remedial Legislation

The Board discussed the proposed remedial legislation relating to education requirements for barber, cosmetologist, barber manager, cosmetologist manager, aesthetician, electrologist and manicurist licenses.

Maximum and Minimum Course Times

The Board discussed Bill Dusso's, March 31, 1999, memo relating to "Maximum and Minimum Course Times". The Board discussed how the requirements relate to schools, the apprenticeship program, and reciprocity.

Discussion of Restrictions with Current Conviction Parameters s. 454.06

The Board discussed redrafting sec. 454.06, Stats., to incorporate licensing individuals with felonies at their discretion.

MOTION: Toni Palermo moved, seconded by Barbara Flaherty, to revise sec. 454.06, Stats., to give the Board authority to determine who shall be licensed, when that person has committed a felony. Motion carried unanimously.

ADMINISTRATIVE RULES

CR 98-133 re: Practice of Barbering and Cosmetology

Alfred Hall explained the recently adopted CR 98-133 relating to the practice of barbering and cosmetology.

Creating Salon Visits as Theory Hours

The Board received a copy of the Theory Syllabus.

The Board discussed Bill Dusso's, March 2, 1999, memo relating to crediting salon visits as theory hours.

The Board discussed including a specific reference to structured salon visits in the syllabus rule in Ch. BC 5 relating to theory hours.

MOTION: Leon Lauer moved, seconded by Marville Martin, to include in sec. 440.62 (5), Stats., minimum standards in ch. BC 5, including 8 theory hours for structured visits. The visits would be conducted by the school, apart from the classroom, at one or more barbering or cosmetology establishments. Motion carried unanimously.

PRACTICE ISSUES

Request for Mobile Establishment

The Board discussed the letter received from Michele Wilz dated March 3, 1999, requesting approval to operate a mobile beauty shop.

MOTION: Bruce Bennett moved, seconded by Leon Lauer, that Michele Wilz may operate a mobile beauty salon, provided it meets the same requirements as any other licensed establishment. Motion carried unanimously.

Request for Study Group To Research Scope of Practice for Aesthetics and Electrology

Alfred Hall stated that there are no rules in place for the aestheticians and electrologists and recommended that a study group be formed to identify standards for the practice of aesthetics and electrology, with representatives from the Board and the aesthetics and electrology profession.

Secretary Marlene Cummings will be asked to send a letter to aestheticians and electrologists asking for volunteers.

Toni Palermo and Lorraine Norem volunteered to be in this group.

MOTION: Leon Lauer moved, seconded by Marville Martin, to form a study group to include members of the board and representatives from the aestheticians and electrologists profession. Motion carried unanimously.

APPRENTICESHIP PROGRAM

Theoretical Training Hours

The Board received a copy of Kathy Schauer's March 23, 1999, letter regarding the apprenticeship program. Noted.

The Board discussed theory hours, comparing the apprenticeship program and the school program.

The Board requested that the Apprenticeship Advisory Committee meet to discuss the monitoring process and increasing the hours required for the program.

The board requested that John Fahey, Lorraine Norem, Bruce Bennett and Toni Palermo be appointed to the Apprenticeship Advisory Committee.

MOTION: Barbara Flaherty moved, seconded by Leon Lauer, to discuss theory hours for the school and apprenticeship programs after receiving recommendations from the Apprenticeship Advisory Committee. Motion carried unanimously.

MOTION: Barbara Flaherty moved, seconded by Leon Lauer, to have the Apprenticeship Advisory Committee meet and discuss the apprenticeship program. Motion carried unanimously.

EXAMINATION ISSUES

Apprentice Examination Statistics

The Board received a copy of "Students Right-to-Know Act". Noted.

The Board received a copy of Darwin Tichenor's March 24, 1999, memo regarding examination information requests. The Board discussed the differences in the pass-fail rate of school graduates compared to apprentices.

Manicurist Syllabus and Exam Content

The Board received a copy of the "National Nail Technology Test Information Bulletin". Noted.

The Board discussed adding "Chemistry" and "Product" to the manicurist exam.

MOTION: Toni Palermo moved, seconded by Marville Martin, to have John Schweitzer write a statement adding chemistry and product to the manicurist examination. Motion carried unanimously.

DIVISION OF ENFORCEMENT

Draft Forfeiture Grid

The Board received a copy of the "Draft Forfeiture Grid" dated March 5, 1999, and discussed the proposed changes regarding owner and or manager licensees assisting or participating in unlicensed activities. Noted.

MOTION: Leon Lauer moved, seconded by Marville Martin, to accept the changes to increase fines for first, second and third time offenders when participating and/or assisting in an unlicensed practice. Motion carried unanimously.

The Board received a copy of the March 29, 1999, Barbering and Cosmetology Examining Board Statistical Summary. Noted.

BOARD MEMBER ACTIVITY

Election of Officers

MOTION: Leon Lauer moved, seconded by Bruce Bennett, to nominate and unanimously elect Barbara Flaherty as Chair. Motion carried unanimously.

MOTION: Toni Palermo moved, seconded by Bruce Bennett, to nominate and unanimously elect Marville Martin as Vice Chair. Motion carried unanimously.

MOTION: Bruce Bennett moved, seconded by Toni Palermo, to nominate and unanimously elect Lorraine Norem as Secretary. Motion carried unanimously.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Hazard Controls: Controlling Chemical Hazards During the Application of Artificial Fingernails, HC 28, Center for Disease Control and Prevention

The Board received a copy of "Hazard Controls: Controlling Chemical Hazards During the Application of Artificial Fingernails, HC 28, Center for Disease Control and Prevention" dated January 1999. Noted.

Classes Taught by Video

The Board discussed cosmetology classes taught completely by video. This will be discussed at the next Board meeting.

Salons in Nursing Homes

The Board discussed salons in nursing homes and clarified that an establishment license would not be required if the licensee is only providing services to the residents. If services would be provided to the general public or to the employees of the nursing home, then the area must be licensed as an establishment.

NEW BUSINESS

None.

RECESS TO CLOSED SESSION

MOTION: Leon Lauer moved, seconded by Lorraine Norem, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, deliberation on stipulations that may be signed after printing of the agenda, deliberation on proposed disciplinary actions that may be signed after printing of agenda, pending applications, apprentice requests for transfer, requests for appeal of denial, hearings on denied applications, and examination issues. Motion carried by a roll call vote: Bruce Bennett-yes; Barbara Flaherty-yes; Leon Lauer-yes; Marville Martin-yes; Dr. Toni Ann Palermo-yes; Lorraine Norem-yes; John Fahey-yes.

Open Session recessed at 11:45 a.m.

CLOSED SESSION

The Board deliberated on case closings, stipulations, proposed disciplinary actions, grading at the aesthetician exam, a request to issue a license, and, instructor examinations.

ADJOURN CLOSED SESSION

MOTION: Leon Lauer moved, seconded by Bruce Bennett, to reconvene in Open Session at 1:15 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Leon Lauer moved, seconded by Marville Martin, to close the following cases presented by the Division of Enforcement. Motion carried unanimously.

98 BAC 094	Pro Nails(Happy Nails)	P2
97 BAC 067	Meng Phy Trann	PDP5, Hold on license
99 BAC 015	Pretty Nails	No Violation
99 BAC 016	Sheer Talent	No Violation
98 BAC 155	Pro Nails	No Violation
97 BAC 223	Darshel Williams	Administrative Closing
98 BAC 096	Robert Rush	PDP5, Hold on license
97 BAC 178	Magical Nails-Ngoc Thi Tran	PDP5, Hold on license
97 BAC 035	Hair Regulators II, Inc	P5
	Corey Johnson	P2
	Darryl Tucker	P3
	Anthony Latimore	P3
	Nate Hogans	P3
97 BAC 092	Studio 27- Janet Meress	P3
	Earnest Meress	
96 BAC 095	Fade Masters-Omar Mustafaa	P2
96 BAC 164	Roosevelt Jones	P3
97 BAC 084	Magic Nails-Ba V. Nguyen	P5

STIPULATIONS

MOTION: Leon Lauer moved, seconded by Marville Martin, to accept the Stipulations, findings of fact, conclusions of Law and Orders in the matters involving the following.the following stipulations.
Motion carried unanimously.

Bridget Ann Blackman (Milwaukee WI)
Crommie Lee Cole (Milwaukee WI)
Rose Ann Ivy (Milwaukee WI)
Carol J. Krupke (Monroe WI)
Excell Ibn Najieb (Milwaukee WI)
Matthew J. Najieb (Milwaukee WI)
Hung N. Nguyen (Milwaukee WI)
Francine Shanks (Milwaukee WI)
Jerry Sturgis (Neenah WI)
Jeanne Garcia (Brookfield WI)
Paula L. Kabara Brookfield WI)
Angela L. Shabazz (Milwaukee WI)
Cheryl A. Merkes (oshkosh WI)
Theresa Jones (Milwaukee WI)
Donzala C. Morgan (Madison WI)

AESTHETICIAN LICENSES

The Board received the memo regarding Aesthetician Examination Scoring. Noted.

Darwin Tichenor reported three people failed the Aesthetician practical exam due to incorrectly subtracted points.

MOTION: Bruce Bennett moved, seconded by Leon Lauer, to issue Aesthetician licenses to three candidates, test numbers: 006005, 006106, 006110. Motion carried unanimously.

Request for Licensure

Leah J. Roberto (Milwaukee WI)

MOTION: Leon Lauer moved, seconded by Marville Martin, to approve Leah J. Roberto for one application for licensure as a nail technician. Motion carried unanimously. Toni Palermo abstained.

REVIEW OF INSTRUCTOR EXAMINATIONS

The board discussed changing the Instructor examination from practical to written and will discuss this issue more at the next Board meeting.

ADJOURNMENT

MOTION: Leon Lauer moved, seconded by Barbara Flaherty, to adjourn the meeting at 1:35 p.m. Motion carried unanimously.